

REMARKS:

The following remarks are submitted as a full and complete response to the Office Action issued December 8, 2009. Claim 8 has been cancelled without prejudice or disclaimer. Claims 4-7 have been withdrawn from the examination. Accordingly, claims 1-7 are pending. Reconsideration of all outstanding rejections is respectfully requested in view of the following remarks.

Rejections under 35 U.S.C. §102(a) and 35 U.S.C. §103

The Patent Office has maintained the rejection of claims 1-3 and 8 under 35 U.S.C. §102(a) as being anticipated by Park et al., J. Kor. Pharm. Sci., Yakche Hakhoechi, June 2003, vol. 33(2): 105-112 ("Park") and under 35 U.S.C. §103(a) as being obvious over Park. Applicants respectfully traverse these rejections.

The Patent Office found the Applicants arguments in the Response filed on October 13, 2009 unpersuasive because the Korean counterpart of the present application was not validly claimed as a priority document. In response, Applicants hereby submit a Declaration under 37 C.F.R. 1.131(a) signed by the inventors of the present application ("Declaration"). The Declaration is submitted to show that the Korean counterpart of the present application, Korean Patent Application No. 2002-0070450, (the "'450 Korean application"), evidences conception and "actual reduction to practice" of the thione derivatives or their non-toxic salts as claimed in claims 1-3 in Korea, a WTO country, prior to the publication date of Park, June 2003. Applicants respectfully submit that since the '450 Korean application is not submitted to show a

constructive reduction to practice of the claimed invention, whether the priority claim was properly made based on the '450 Korean application is not relevant to the present situation.

As stated in the Declaration, the '450 Korean application was prepared and filed before the Korean Intellectual Property Office prior to the publication date of Park, June 2003. The inventors of the present application and the '450 Korean application are the same. As verified in an English translation of the '450 Korean application, the '450 Korean Application describes the thione derivatives or their non-toxic salts as claimed in claims 1-3 of the present application, together with at least one utility of these compounds. It contains 82 working Examples that show that 82 different thione derivatives and their non-toxic salts that are covered by claims 1-3 were actually synthesized and tested to confirm their synthesis. In addition, the entire disclosure of the '450 Korean application including actual test results of selective COX-2 inhibitory activity of the compounds prepared from Examples 39-82, evidences that at least one utility of the thione derivatives or their non-toxic salts claimed in claims 1-3 of the present application, as a selective COX-2 inhibiting agent, was also recognized and tested prior to the publication date of Park, June 2003. Thus, Applicants respectfully submit that the '450 Korean application, as verified in the Declaration, is valid evidence that establishes that the thione derivatives or their non-toxic salts of claims 1-3 of the present application were conceived and "actually" reduced to practice prior to the publication date of Park, June 2003.

Therefore, Applicants respectfully submit that Park is not qualified as prior art to the rejected claims. Since Park is the only reference cited in the outstanding rejections,

Applicants respectfully submit that removing Park as prior art warrants reconsideration and withdrawal of both of the anticipation and obviousness rejections.

In light of the foregoing, Applicants submit that all outstanding rejections have been overcome, and the instant application is in condition for allowance. Thus, Applicants respectfully request early allowance of the instant application. The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

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